

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

* * * * *
SHEILA CORBIN,

Plaintiff
v.
JEFFREY MORRILL,

Defendant
* * * * *

SUCV2006-2585

PRETRIAL CONFERENCE
BEFORE THE HONORABLE PAUL E. TROY

APPEARANCES:

For the Plaintiff:

By: Sheila Corbin, Pro Se

For the Defendant:

Attorney Brian J. Rogal
Angoff, Goldman, Manning, Wanger & Hynes
100 River Ridge Drive, Suite 203
Norwood, Massachusetts 02062

Suffolk Superior Court
Courtroom #304
Three Pemberton Square
Boston, MA 02108
Tuesday, June 12, 2007

1 (In court at 2:40 p.m.)

2 (All parties present.)

3 THE CLERK: Your Honor, before the Court,
4 Corbin v. Morrill, Docket No. SUCV2006-02585. It's
5 before the Court on a final pretrial conference.

6 If the parties would come forward and
7 identify yourselves for the record, please.

8 MR. ROGAL: Good afternoon, your Honor.
9 Brian Rogal, for the defendant.

10 THE COURT: Good afternoon.

11 Great. And your name, please?

12 PLAINTIFF CORBIN: Sheila Corbin, Plaintiff.

13 THE COURT: Great. All right.

14 MR. ROGAL: If I may?

15 THE COURT: I just want to look at the
16 pretrial memo. It's a jury trial? Am I correct in
17 that?

18 MR. ROGAL: Well, I think we'll go jury
19 waived. I don't know what the plaintiff wants.

20 Your Honor, this should go to summary
21 judgment from here. I mean, this essentially was a
22 contract between the parties. She's alleging that she
23 had to pay additional insurance costs on some breach
24 of contract, yet the contract plainly states that
25 she's responsible for the insurance costs.

1 Also, in the back of the courtroom is
2 Lieutenant Ciccolo, who is the Supervisor of Carriages
3 from the Boston Hackney Division of the Boston Police
4 Department. And they have --

5 THE COURT: Is that you, sir?

6 MR. CICCULO: Yes, sir. Lieutenant Robert
7 Ciccolo, Boston Police Department.

8 THE COURT: All right. Good afternoon, sir.

9 MR. CICCULO: Good afternoon, sir.

10 THE COURT: Come on up if you want to listen.
11 You can't say anything, but you should be able to hear
12 what's going on.

13 MR. ROGAL: I've attached copies of the
14 license and regulations. What happened is Ms. Corbin
15 owns two medallions. And she leased one of them in a
16 year-contract back in 2000 to my client, Mr. Morrill,
17 and the next year she leased two medallions to him.
18 So he ran the cabs.

19 The leases call for her to pay the insurance,
20 which she did. And then they went on for some period
21 of time after the second contract expired and
22 continued to operate on the same basis, at which point
23 she took back her medallions and I think has leased
24 them to someone else in between, since then.

25 Now, not only do the leases call for her to

1 pay the insurance, but the licensing regulations say
2 that you can't transfer the insurance costs, the
3 medallion owner has to pay the insurance costs. And
4 what she's after here is for us to pay additional
5 insurance costs which she says happened in later
6 years. As you see, this is a breach-of-contract case,
7 your Honor.

8 And I'm also advised by the tenant that, you
9 know, in response to our inquiries about these
10 regulations, they're looking at it. And the city has
11 an interest in the issue because the medallion owner
12 is supposed to remain responsible for the insurance.
13 So that there is a discussion in the Boston corporate
14 counsel about intervening in this, if this is going to
15 go forward.

16 THE COURT: Is it past costs, or are we just
17 concerned about future costs?

18 MR. ROGAL: I believe she's -- the allegation
19 of the plaintiff is that in years after he stopped
20 using the medallions, her insurance costs went up, and
21 that he should somehow be responsible for that.
22 There's nothing in the leases that would make him
23 responsible during the years he operated, let alone
24 afterwards.

25 THE COURT: All right.

1 Would you like to say anything, at all?

2 PLAINTIFF CORBIN: Yes. You've read what I
3 have attached?

4 THE COURT: I've read the defendant's
5 pretrial memorandum. I don't have a plaintiff's --

6 THE CLERK: It's attached.

7 THE COURT: Ah. Okay.

8 PLAINTIFF CORBIN: It's Exhibit A.

9 THE COURT: Okay. I must have missed it.
10 Hold on a second.

11 This is the e-mail submission from plaintiff?
12 Is that what you're talking about?

13 PLAINTIFF CORBIN: Yes, that's it.

14 *(Court reviews documents.)*

15 THE COURT: Well, is there any way this can
16 be worked out? It seems to me that there's almost
17 going to be more in attorneys fees involved than --

18 MR. ROGAL: There's not \$30,000 in attorneys
19 fees.

20 THE COURT: Well, it seems to be 15,000 which
21 she's talked about.

22 Am I correct, fifteen? A total of thirty,
23 but you asked for half?

24 PLAINTIFF CORBIN: Right. Right.

25 THE COURT: Would it be worth it if I could

1 get a mediator here right now? Would you two be
2 willing to sit down and talk with a mediator?

3 MR. ROGAL: Certainly. My client's in the
4 back. I mean, we don't have a lot of range, but my
5 client's here.

6 THE COURT: Well, even if I allowed you to
7 file a Rule 56 motion, just doing one of them is ten
8 hours work. Then there'd have to be a hearing, then
9 there'd be a ruling.

10 MR. ROGAL: I understand that there's
11 certainly, there's a cost of litigation factor here.
12 It was fifteen, it went to thirty. I haven't heard
13 anything --

14 THE COURT: Well, I'll ask you the same
15 question. We have mediators here who will sit down
16 and try to work out, if I can call it a small case I
17 will, that sometimes will cost more to litigate than
18 to resolve or work out a deal, if possible.

19 PLAINTIFF CORBIN: Right.

20 THE COURT: Sometimes you sit down and
21 neither side will give, and it doesn't go anywhere,
22 and then we'll go from there. And sometimes something
23 can be worked out.

24 Are you here because you got subpoenaed,
25 Lieutenant, or just have an interest in it?

1 LIEUTENANT CICCULO: Your Honor, our view --
2 and I have spoken with the Department attorneys, who
3 were unable to be here today just because of the short
4 notice --

5 THE COURT: Yes.

6 LIEUTENANT CICCULO: -- is that this recovery
7 of costs beyond what was agreed specifically in the
8 lease agreement would be a deliberate circumvention of
9 the Department rules.

10 Ms. Corbin also claims that she doesn't know
11 who was driving and that that's what resulted in the
12 increased insurance costs. She is required as the
13 medallion owner, by the rules, to know who is driving
14 that cab at all times. That's her responsibility.

15 Each of these would be a violation of the
16 rules. And if this were to go forward -- and I've
17 informed her of this -- I would be submitting this to
18 a board of three captains who would rule on whether or
19 not she's a suitable person to own a taxi medallion
20 due to her violation of the rules. I'm reluctant to
21 do that. She doesn't have an attorney. They're each
22 a \$375,000 asset.

23 But she's also -- we had a conversation, both
24 on the phone and earlier today, specifically informing
25 her of our views on this. And as I say, we'd be

1 looking to intervene and also be -- I'd have to put it
2 before a board of three captains to rule on her
3 suitability after having been clarified on what the
4 rule was to persist in trying to collect costs that
5 are not allowed under the regulations.

6 PLAINTIFF CORBIN: Could I answer, please?

7 THE COURT: Have you read her complaint,
8 Lieutenant? Have you read the handwritten complaint?

9 LIEUTENANT CICCOLO: I have not. I have not
10 been able to obtain that.

11 THE COURT: We'll let him just take a look at
12 that. And I will let you talk.

13 (*Addressing the Clerk*) Jim, would you give
14 this to the Lieutenant, please?

15 PLAINTIFF CORBIN: Okay. Can I just speak
16 for a moment?

17 THE COURT: Yes. Sure.

18 PLAINTIFF CORBIN: First of all, I don't
19 know, when it's posed that way, saying that I am
20 unsuitable, I don't know, I have issues with that. I
21 didn't see it as having him pay the insurance; it was
22 already paid, and I still continue to pay it. It's
23 just more, because of the negligence when he was
24 managing everything, you know, seeking a little
25 damages, that was where I was coming from.

1 And the consequences, I mean, with Hackney, I
2 mean, my back's against the wall. If I'm going to
3 lose everything, then I guess I wouldn't push it any
4 further. I mean, I'm not -- I have to think about
5 generations to come, my children. And my dad wanted,
6 you know, this to stay in the family.

7 In terms of not knowing about the drivers, I
8 was in contact with him a lot. I had to -- I'm
9 residing in the state of Oregon right now, because --

10 THE COURT: You don't want to talk about
11 that, right? Or has that changed?

12 PLAINTIFF CORBIN: It's still the same. A
13 permanent --

14 THE COURT: Okay.

15 PLAINTIFF CORBIN: -- restraining order.
16 Yeah.

17 THE COURT: All right.

18 PLAINTIFF CORBIN: Yeah. So, that's.

19 THE COURT: Well, I don't know how this all
20 works. I haven't dealt with this before. And what
21 the Lieutenant says may be correct, it may not be. I
22 don't know.

23 Certainly it's your decision what you want to
24 do. And sometimes we do have, you know, they talk
25 about kicking a sleeping dog or something and maybe

1 I'd better leave this alone. I don't know.

2 I'd feel much more comfortable if you had an
3 attorney that you could talk with about this. It
4 wouldn't cost you a lot to consult. Do you know an
5 attorney you could consult with?

6 PLAINTIFF CORBIN: I have some, I've
7 consulted with a few. When I see their fees, I can't
8 afford it.

9 THE COURT: Maybe not to prosecute the case,
10 but to spend a couple of hours just to look into this,
11 maybe talk to the people involved, see what your risks
12 are and see whether it's in your best interest to go
13 forward or not to go forward. I don't know.

14 I do know that it may not be a good idea for
15 you personally to be talking to administrative
16 authorities who can pull your license or can pull the
17 medallions. You're often better off having someone
18 have those discussions so that you're not making
19 admissions or saying things that perhaps you shouldn't
20 say.

21 Does that make sense to you?

22 PLAINTIFF CORBIN: Well, in other words, I
23 shouldn't talk directly to him? Is that --

24 THE COURT: Yeah, yeah. Well, I mean, under
25 these circumstances. He's trying to, from what I

1 understand he's trying to say to you, you could be
2 asking for some serious problem here by making
3 allegations, that you didn't know who was driving your
4 cabs, and so forth. That may be a violation of the
5 rules. I don't know. I just don't know.

6 And the one thing I don't want to do is put
7 any influence, pressure on you to do anything in the
8 case except perhaps to talk to an attorney, pay him or
9 her an hour's time just to get some legal advice.
10 Perhaps there are attorneys that do this for a living.
11 Perhaps the Lieutenant can even recommend an attorney
12 who does it for a living that he's not going to be
13 reinventing the wheel. You know, you don't want to
14 talk to a real estate attorney when you've got a
15 criminal issue. So there may be an attorney you could
16 speak to for \$250 and say, These are my issue, what do
17 I do?

18 But it sounds to me like it could be by
19 pursuing this you might be putting your medallions in
20 jeopardy.

21 PLAINTIFF CORBIN: Right.

22 THE COURT: And they're worth a lot of money.
23 And I don't want you to do that without good advice.

24 Did you want to say something, Lieutenant?

25 Excuse me.

1 LIEUTENANT CICCULO: If I could, your Honor.

2 As far as an attorney goes, what I would be
3 able to do is go through the file. There's only four
4 attorneys who handle taxi matters, --

5 THE COURT: Okay.

6 LIEUTENANT CICCULO: -- and one of them would
7 have handled the transfer from Ms. Corbin's dad to
8 herself back however many years ago, because that's
9 how long they've been in business. I would be able to
10 dig up the name of her previous attorney for her,
11 which I think would, you know.

12 As far as the regulations go, in all honesty,
13 your Honor, when I started reading the complaint it
14 just sort of gets deeper and deeper.

15 THE COURT: Yeah.

16 LIEUTENANT CICCULO: In a regulatory sense.

17 Having said that, our interest is that you're
18 not seeing a medallion owner be able to transfer the
19 insurance costs. Now, if, as I explained to Ms.
20 Corbin, we were to kind of just draw a stop here to
21 this, I would be more than willing to sit down, as we
22 do with many people, go over the rules, and just say,
23 Okay, clean slate, we're going to go forward from
24 here, these are the rules. And I'd explain it to her,
25 to help her run these two businesses of hers in a

1 profitable fashion.

2 You know, we're just looking for this
3 particular case, in all honesty, to stop. And we'll
4 call it a clean slate and go forward from there
5 because we feel that, however it occurs, the transfer
6 of insurance costs is just a major threat to the
7 integrity of the regulatory system.

8 THE COURT: Okay.

9 MR. ROGAL: Your Honor, my client certainly
10 doesn't want to spend a lot of money, which is why we
11 haven't pursued this very vigorously. We're surprised
12 it's going forward. The contract clearly says she
13 bears the cost of insurance, that regulations now say
14 that it's non-assignable in pretty plain English.

15 You know, and I see this as a straight
16 contract-type case, so I don't see where you can get
17 the contract damages on insurance, where she has to
18 bear the insurance costs, whatever they are.

19 THE COURT: Okay.

20 MR. ROGAL: We can get further into analysis.
21 If she tries to make it into a tort case, I don't see
22 where that could go. We'd have a statute of
23 limitations problem here because it's probably June of
24 '06, and there may be a short period of time we were
25 operating the cabs after June of '03, but most of it's

1 well before that, so if there's any driver problems
2 allegedly before that. It's one problem after the
3 next.

4 So we're willing to sit down and, you know,
5 participate with her today, sure. But there's, you
6 know, very little. And summary judgment may be the
7 most expeditious way for me to get this. If we went
8 to trial, it would probably be the same.

9 THE COURT: When you say summary judgment,
10 what do you mean? If it's a legal issue, in other
11 words, just look at the contract or perhaps the
12 statute of limitations, it's a matter of law, you
13 can't bring the case, then the Judge would decide; it
14 just wouldn't get to the jury. And if there's some
15 factual issues, the jury decides.

16 But let me propose something to you. Ms.
17 Corbin, I'm not -- really, I don't know what's in your
18 best interests here, but let me propose that we put
19 this off for a period of time and give you time to
20 consider what's best for you, rather than prolonging
21 it more. In other words, I'll put it for a further
22 pretrial conference in six weeks or something, and
23 we'll hear it again.

24 In the meantime, --

25 PLAINTIFF CORBIN: I'd just rather resolve

1 everything today because of the distance. And I have
2 young kids, and it's a lot for me to come back and
3 forth.

4 THE COURT: Okay.

5 PLAINTIFF CORBIN: So, I mean, to protect my
6 medallions, I guess I have to listen to him.

7 THE COURT: Yeah.

8 All right. Well, as I understand,
9 Lieutenant, if the case drops, you're willing to sit
10 down with her and avoid this in the future?

11 LIEUTENANT CICCOLO: I don't want to put
12 myself in the position, your Honor, of any improper
13 influence, but I also feel an obligation to inform
14 her, since she doesn't have an attorney, of possible
15 repercussions. I'm betwixt and between, myself, here.

16 THE COURT: Do you want to think about it for
17 -- you know what I can do? If you don't want to go
18 forward I can enter, like, a 10-day nisi order, it's
19 called, which means the case will be dismissed in ten
20 days unless you come back and tell us, Don't dismiss
21 it, I want to go forward.

22 Or we can make it a 30-day order. It would
23 automatically be dismissed in 30 days unless you come
24 in and say, I changed my mind, I want to pursue the
25 case.

1 Does something like that make sense to you?

2 PLAINTIFF CORBIN: I understand what you're
3 saying, so that I won't be pressured into making a
4 decision right now. Is that what you're saying, the
5 reason for the time, the 10 or 30 days?

6 THE COURT: Yeah. You don't have a lawyer.
7 You're getting hit with a lot of stuff right now. I'd
8 rather you have a chance to think about it, talk to a
9 lawyer, make a decision without jumping into something
10 right now. You can do whatever you want. You're the
11 plaintiff.

12 PLAINTIFF CORBIN: I know. I know.

13 THE COURT: But I'm trying to protect your
14 rights, as best I can.

15 If you want to go forward, that's fine. If
16 you say, I want to stop it, you can do it today.
17 You'd have to sign a stipulation of dismissal.

18 If you want to have some time to think about
19 it, I can enter an order that the case is
20 automatically dismissed at a certain interval, 10, 20,
21 30, 60 days. And unless someone comes in and says,
22 Stop, don't dismiss it, I want to go forward, then it
23 would just be dismissed. We'd close the case, it's
24 over.

25 MR. ROGAL: Maybe Ms. Corbin should

1 understand that in that time period it could be an
2 attorney coming in.

3 It doesn't have to be you personally flying
4 back out here.

5 THE COURT: That's right. You don't have to
6 come in, the attorney could. But if there's ever a
7 trial, you'd have to come.

8 MR. ROGAL: Yeah. If I can say, I think
9 without an attorney this case probably isn't going to
10 go all the way forward. So if you're going to go
11 forward, you're probably is going to get an attorney,
12 rely on an attorney's advice, and your attorney could
13 --

14 THE COURT: Okay. Talk to me.

15 MR. ROGAL: I'm sorry, your Honor.

16 THE COURT: Sure.

17 Want me to call the next case right now and
18 you can just think about it for a few minutes?

19 PLAINTIFF CORBIN: No. I don't want to go
20 forward, because I'm not going to put my company at
21 risk, my dad's company that he worked his whole life
22 for. And I don't want any retaliation. I mean, I'm
23 even concerned about even after this, because I know
24 how things can be.

25 THE COURT: All right. Do you want to

1 dismiss the case, then?

2 PLAINTIFF CORBIN: Yeah.

3 THE COURT: Today?

4 PLAINTIFF CORBIN: Um hmm.

5 THE COURT: All right. Do you have any
6 objection? Does the defendant object?

7 MR. ROGAL: No, Judge.

8 THE COURT: You don't object, Lieutenant?

9 LIEUTENANT CICCOLO: Not at all, your Honor.

10 THE COURT: Okay.

11 LIEUTENANT CICCOLO: And I'd give my card and
12 have her call me, and going forward we can sit down
13 with her and help her to make sure that everything
14 runs the way it's supposed to going forward, so that
15 she doesn't end up in any jeopardy again.

16 THE COURT: All right.

17 Does that make sense to you?

18 PLAINTIFF CORBIN: Yes.

19 THE COURT: Okay. All right, then.

20 THE CLERK: They can file a stipulation of
21 dismissal, and they both can sign it.

22 THE COURT: Yeah.

23 Why don't you just write one out and just
24 sign it right here. It's just that, We hereby
25 stipulate to dismiss the case with prejudice and

1 without costs.

2 And we'll file it. And then case it over.

3 I'll call the next case, and then I'll bring
4 you back. Okay?

5 MR. ROGAL: Thank you.

6 **(Recess on this matter.)**

7 **(Hearing resumed.)**

8 THE CLERK: Your Honor, going back to the
9 previous case, Corbin v. Morrill.

10 Would the parties step forward and identify
11 themselves?

12 MR. ROGAL: Your Honor, Brian Rogal, for the
13 defendant.

14 PLAINTIFF CORBIN: Sheila Corbin, plaintiff.

15 THE COURT: All right.

16 *(Stipulation of parties presented to Court for*
17 *review.)*

18 THE COURT: Okay. This will do it.

19 Okay. So this means the case is completely
20 over, no fees, no costs, no nothing, so.

21 Nice to see you both.

22 MR. ROGAL: Thank you, your Honor.

23 THE COURT: Thank you very much.

24 **(Hearing ends.)**

25

CERTIFICATION

I, Christina O'Neill, Official Court Reporter, do hereby certify that the foregoing, Pages 1 through 20 inclusive, is a true and accurate transcription, to the best of my knowledge, skill and ability, from the record of the court proceedings in the above-entitled matter.

I, Christina O'Neill, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Administrative Format.

I, Christina O'Neill, further certify that I neither am counsel for, related to, nor employed by any of the parties to this action in which this hearing was taken, and further certify that I am not financially nor otherwise interested in the outcome of the action.

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Date

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